

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

JERLARD D. REMBERT,

Plaintiff,

v.

Case No. 8:20-cv-10-T-60SPF

PINELLAS COUNTY FLORIDA,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on January 3, 2020. (Doc. 6). Judge Flynn recommends that the Court: (1) deny Plaintiff's motion for leave to proceed *in forma pauperis*, (2) dismiss Plaintiff's complaint, and (3) direct the Clerk to terminate all pending motions. Plaintiff filed an objection to the report and recommendation on January 13, 2020. (Doc. 7). Upon review of the report and recommendation, objection, court file, and record, the Court finds as follows:

Under the Federal Magistrates Act, Congress vests Article III judges with the power to "designate a magistrate judge to hear and determine any pretrial matter pending before the court," subject to various exceptions. 28 U.S.C. § 636(b)(1)(A). The Act further vests magistrate judges with authority to submit proposed findings of fact and recommendations for disposition by an Article III judge. 28 U.S.C. § 636(b)(1)(B). After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate

judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982).

After careful consideration of the record, including Judge Flynn's report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation. The Court agrees with Judge Flynn's well-reasoned findings and conclusions, including that Plaintiff's claims are barred. Consequently, Plaintiff's *in forma pauperis* motion is denied, and this action is dismissed.

It is therefore

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Flynn's report and recommendation (Doc. 6) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is **DENIED**.
- (3) Plaintiff's complaint (Doc. 1) is **DISMISSED** without leave to amend.
- (4) The Clerk is directed to terminate any pending motions and deadlines, and thereafter **CLOSE THIS CASE**.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 23rd day of April, 2020.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**